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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,559	10/25/2005	Shigeo Miura	02922.000152.	8831
5514 7590 10/20/2009 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER YANG, QIAN				
ART UNIT 2625		PAPER NUMBER		
MAIL DATE 10/20/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,559

Applicant(s)

MIURA ET AL.

Examiner

QIAN YANG

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6 and 13-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on July 20, 2009 and July 21, 2009 has been entered. Claims 6 and 14 have been amended. Claims 1 – 5 and 7 – 12 have been canceled. Claims 13 – 16 have been added. Claims 6 and 13 – 16 are still pending in this application, with claim 6 being independent.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6 and 13 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada (US Patent 6,807,907).

Regarding claim 6, Yamada disclosed an image forming apparatus connected to a server apparatus and a client computer via a network (printing system exhibited in Fig. 1), said image forming apparatus comprising an image forming unit for image formation, and having a standby mode, and an energy-saving mode in which less electric power is consumed than in the standby mode, wherein waiting time to restart image formation from the standby mode is shorter than that from the energy-saving mode, and said

image forming apparatus further comprising:

a detecting device that periodically detects a status of the image forming apparatus (detecting the status for the status request for Fig. 9 S304, Fig. 10 S403, and Fig. 12 S503);

a receiving device that receives from the client computer an inquiry about a status of the image forming apparatus (Fig. 9 S303, col. 9, lines 3 – 13); and

a first control device (Fig. 5 #101, #102, #104 - #106) configured to send the status detected by said detecting device to the client computer, in a case where the inquiry is received by said receiving device when the image forming apparatus is not in the energy-saving mode (Fig. 9 S304, col. 9, lines 10 – 13), while in a case where said image forming apparatus is to shift to the energy-saving mode, said first control device transmits the detected status and an agency request command to the server apparatus and thereafter controlling itself to shift to a halt state, wherein, after receiving the agency request, the server apparatus responds to the inquiry from the client computer on behalf of said first control device (Fig. 7 S111 – S114, col. 7, lines 13 – 65);

a second control device (Fig. 5 #103) configured to output to said first control device a command for resuming from the halt state, in a case where there is any change between a latest status among the statuses detected by said detecting device while the image forming apparatus is in the energy saving mode and the status detected when the image forming apparatus is to shift to the energy-saving mode (Fig. 12 S509 – S512, after received magic packet described in col. 11, lines 40 – 43),

wherein said first control device transmits the latest status to the client apparatus, after resuming from the halt state responding to the command output by said second control device (Fig. 12 S511, col. 11, lines 59 – 63), and thereafter controls itself to shift back to the halt state (Fig. 7 S114, after a period of time where no data is received).

However, Yamada fails to explicitly disclose wherein the first control device transmits the latest status to the server apparatus, after resuming from the halt state responding to the command output by said second control device.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the latest status transmits to the client apparatus transmitting to the server apparatus first because the server is a central control unit for the whole printing system, the message transmits to the client must transmit via server.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Yamada, and transmit the latest status to the server apparatus. The motivation for doing this is that a server is a central control unit for the whole printing system; it should have all latest status recorded for all apparatus inside system.

Regarding claim 13 (depends on claim 6), Yamada discloses the apparatus wherein the received inquiry is transmitted to said second control device (Fig. 6 #1033) when the image forming apparatus is in the energy saving mode (col. 11, lines 31 – 50).

Regarding claim 14 (depends on claim 6), Yamada discloses the apparatus wherein said second control device monitors the detected status at a predetermined time intervals to determine whether or not there is any change in the detected status after the image forming apparatus shifts to the energy-saving sleep mode (col. 11, lines 36 – 50, also shown in Fig. 12, S510 – S 512, the status is pulled repeatedly).

Regarding claim 15 (depends on claim 6), Yamada discloses the apparatus wherein said first control device outputs to said second control device a first signal indicating that the status of the image forming apparatus is changed from the energy saving mode to the standby mode, and said second control device transfers the detected status when receiving the first signal output from said first control device (From Fig. 12 S510 – S 512, and Fig. 5, it is apparent that after power supply 101 resumes from the energy saving mode to the standby mode, all components #101 - #106 are actively supplied by power. When status is requested in S510, controller 102 (first control device) outputs the signal to network controller (second control device). And the network controller transfers the detected status to the client for response).

Regarding claim 16 (depends on claim 15), Yamada discloses the apparatus further comprising a transfer device configured to output a second signal to said second control device when receiving via the network a request for causing the image forming apparatus to restart from the energy saving mode (Fig. 12 S509, the network controller receives magic packet to restart from the energy saving mode), wherein said second

control device outputs to said first control device a command for resuming from the halt state when receiving the second signal when the image forming apparatus is in the energy saving mode (col. 11, lines 40 – 43).

Response to Arguments

4. Applicant's arguments filed July 21, 2009 have been fully considered. Specially regarding claim 6.

Regarding claim 6, the applicant alleges that Yamada fails to disclose wherein if there has been a subsequent change in the printer's status, there is no provision for the network device to be able to provide that information in response to a request, and nothing has been found in Yamada corresponding to the recited first and second control devices.

However, by considering (from Fig. 5) the network controller 103 as a second control device and rest as a first control device, in the situation where printer is awaking by client disclosed by Yamada in Fig. 12, the claimed limitation can still be read on by Yamada (see rejection on claim 6).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to QIAN YANG whose telephone number is (571)270-7239. The examiner can normally be reached on Monday-Friday 8:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on 5712727490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

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Customer Service Representative or access to the automated information system, call
800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/QIAN YANG/

Examiner, Art Unit 2625

/Benny Q Tieu/

Supervisory Patent Examiner, Art Unit 2625